

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cr-00074-MOC-DSC

UNITED STATES OF AMERICA,
)
)
)
)
v.
)
JERITON LAVAR CURRY,
)
Defendant.
)

ORDER

THIS MATTER is before the court on defendant's *pro se* Letter (#258). Having considered defendant's Letter and reviewed the pleadings, the court enters the following Order.

The court takes notice of defendant Curry's repeated *pro se* Motions filed while he is represented by counsel, which have been denied without prejudice pursuant to L.Cr.R. 47.1(H). Counsel is strongly advised to inform the defendant about the proper filing of documents, and the Fifth Amendment hazards of making such filings. Defendant is advised to consult with his attorney, who may make Motions on defendant's behalf and protect his Fifth Amendment privilege.

In this Letter (#258), the defendant wishes to obtain services of another attorney and release Mr. Wright, his third attorney in this matter. Defendant has previously filed similar Motions, such as (#220), which was heard before Magistrate Judge Cayer. In the resulting Order (#222), Magistrate Judge Cayer wrote:

“Because the right to choose counsel is not absolute, it necessarily follows that a defendant does not have an absolute right to substitution of counsel. As a general rule, a defendant must show good cause in requesting a new appointed lawyer.’ *United States v. Mullen*, 32 F.3d 891, 895 (4th Cir. 1994). The Court finds that Defendant’s complaints here do not establish good cause for the Court to appoint new counsel. This

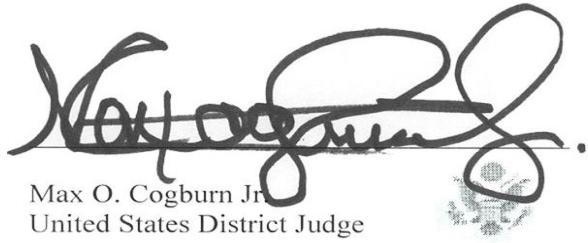
Court is not inclined to appoint a fourth lawyer to represent Defendant on the eve of sentencing. Based upon the foregoing, the Court finds that Defendant is not seeking to proceed *pro se* and that Mr. Wright should remain as appointed counsel."

(#222) at 2. In the current Letter (#258), Mr. Curry states that he does not want to proceed *pro se*. (#258) at 2. Accordingly, Mr. Wright will remain as Mr. Curry's counsel as good cause has not been shown.

ORDER

IT IS, THEREFORE, ORDERED that to the extent that defendant's *pro se* Letter (#258) requests relief, such relief is **DENIED**.

Signed: August 8, 2017

A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", is written over a horizontal line. Below the signature, there is a small, faint, circular official seal or stamp.

Max O. Cogburn Jr.
United States District Judge